

TOWN OF HILTON HEAD ISLAND
Regular Planning Commission
Wednesday, October 3, 2012 Meeting
9:00a.m – Benjamin M. Racusin Council Chambers

APPROVED

Commissioners Present: Chairman Gail Quick, Vice Chairman Tom Lennox, Alex Brown, David Bennett, Jack Docherty, Terry Ennis, Bryan Hughes, Barry Taylor, and Brian Witmer

Commissioners Absent: None

Town Council Present: George Williams

Town Staff Present: Jayme Lopko, Senior Planner & Planning Commission Coordinator
Heather Colin, Development Review Administrator
Charles Cousins, Director of Community Development
Jill Foster, Deputy Director of Community Development
Kathleen Carlin, Secretary

1. Call to Order

2. Pledge of Allegiance to the Flag

3. Roll Call

4. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

5. Approval of Agenda

The agenda was **approved** as presented by general consent.

6. Approval of Minutes

The Planning Commission **approved** the minutes of the September 5, 2012 meeting as amended by general consent.

7. Appearance by Citizens on Items Unrelated to Today's Agenda - None

8. Unfinished Business

None

9. New Business

Public Hearing

Development Agreement and Related LMO Modifications (Exhibit D)

A development agreement has been proposed between the Town of Hilton Head Island and Shelter Cove Towne Centre, LLC. The property subject to the agreement is that certain 42.45 acre tract known as The Mall at Shelter Cove, located at 24 Shelter Cove Lane, and further identified as Beaufort County Tax Map # 12B Parcel 26 and the 9.3 acre portion of Tax Map #12C Parcel 2. At the request of the developer, Town Council has requested that the Planning Commission review and make a recommendation on LMO modifications (Exhibit D) within the development agreement.

** Commissioner Witmer recused himself from review of the above application due to a*

potential conflict of interest. A Conflict of Interest Form was completed, signed and attached to the record.

Chairman Quick opened the public hearing for this item and requested that Ms. Heather Colin make her presentation on behalf of staff.

Ms. Colin presented an overhead review and item-by-item description of the proposed variations to the Land Management Ordinance shown in Exhibit D. *Please see the staff's report dated October 3, 2012 for complete information on Exhibit D.*

Ms. Colin stated that Town Council held the first public hearing on the Development Agreement on August 7, 2012 and the second one is scheduled for October 16, 2012. Because Exhibit D addresses variations to the Land Management Ordinance and the Planning Commission is responsible to make recommendations for regulations for development of land, the applicant had requested that the Planning Commission review Exhibit D.

On August 7, 2012 Town Council passed a motion to defer Proposed Ordinance 2012-23, which would authorize the execution of a development agreement until such time that the items related to the LMO, reflected in Exhibit "D" of the Mall at Shelter Cove Development Agreement, are submitted to the Planning Commission for their review and recommendation.

The LMO Committee met on September 19, 2012 and after hearing a summary from staff, information from the applicant and public comments made a recommendation that the Planning Commission find this request to be consistent with the South Carolina Development Agreement Act and serves to carry out goals of the Town of Hilton Head Island's 2010 Comprehensive Plan, facilitating the redevelopment of this area.

The LMO Committee recommended *Approval* with the following conditions: (1) a 20' adjacent use setback is maintained for the multi-family located on the southern side of the park, and that the Design Review Board review this elevation to ensure a compatible building façade with the park; and (2) that a minimum of 80% of the required parking for the multi-family units be provided 'on-site' of the units that they are serving. The Staff recommended that the Planning Commission make a recommendation for *Approval* to Town Council.

Following Ms. Colin's presentation, Chairman Quick requested comments from the public and the following were received: Mr. Aubrey Vaughn and Mrs. Barbra Hall, residents of the Newport Community, presented statements in opposition to the modifications to Chapter 4, Zoning District Regulations, regarding the size and the location of the fueling center. Following these public comments, Chairman Quick stated that the public hearing for this item is closed. Chairman Quick then requested that the applicant make his presentation.

Mr. Wes Jones, Attorney and representative for the developer, presented statements in support of modifications to Exhibit D. Mr. Jones stated that the proposed variations to the Land Management Ordinance pertain strictly to this site. The proposed variations are compliant with the state's Enabling Act and they are consistent with the Town's Comprehensive Plan.

The Planning Commission and Mr. Jones discussed the setback strategy and the role of the Design Review Board in reviewing the project. Mr. Mark Senn, with Blanchard & Calhoun, developer for the project, presented statements in support of the modifications to Exhibit D. Mr. Senn also presented comments in support of the work being done on the project. The

Planning Commission and Mr. Senn discussed several issues including the building's architectural features. Commissioner Hughes presented statements regarding the location of the fueling center. Mr. Charles Cousins presented statements regarding the role of the Planning Commission in deciding the plan. Mr. Cousins stated that the site design is approved by Town Council.

Commissioner Ennis presented statements regarding the state of the existing Mall and the need to move forward with the redevelopment plans. Commissioner Bennett, Chairman of the LMO Committee, presented statements with regard to the setback issue. Commissioner Bennett stated that he recommends that the setback be reduced from 20-feet to 10-feet. Other members of the LMO Committee stated their agreement. The Planning Commission thanked Mr. Jones and Mr. Senn for their participation. Following final statements by the Planning Commission, Chairman Quick requested that a motion be made.

Commissioner Docherty made a **motion** that the Planning Commission send Exhibit D, including the revision that reduces the setback, and sent to Town Council with a recommendation of approval. Commissioner Ennis **seconded** the motion and the motion **passed** with a vote of 8-0-0.

The Planning Commission discussed the letter that the Planning Commission will send to the Design Review Board. The letter will address the public's concerns, it will recommend reasonable architectural relief for the building, and it will request reassurance of compatibility. Commissioner Bennett made the **motion** as stated above. Commissioner Taylor **seconded** the motion and the motion **passed** with a vote of 8-0-0.

10. Commission Business

None

11. Chairman's Report

None

12. Committee Reports

a) Commissioner Ennis reported that the Comprehensive Plan Committee met this morning to prepare the targets for Town Council. This item will appear on the Planning Commission's October 17, 2012 agenda.

b) Vice Chairman Lennox reported that the CIP Committee will meet on Thursday, October 4th at 10:00a.m for review of the Fiscal Year 2013 CIP Update, review of Proposed Fiscal Year 2014 Capital Improvement Program, the Chaplin Initiative Area, and the Coligny Initiative Area.

c) Commissioner Bennett reported the LMO Committee met on September 19, 2012 to discuss Exhibit D of the Development Agreement. The Committee also met on September 24, 2012 to review the staff's proposed amendment to Chapter 4, Sec. 16-4-1204 to allow community services uses in the Office/Institutional Low Intensity (OL) Zoning District.

13. Staff Reports

(a) Quarterly Report

Mrs. Lopko presented the Quarterly Report to the Planning Commission

(b) Report on State Training Program

Ms. Jill Foster stated that the South Carolina Planning Education Advisory Committee (SCPEAS), which oversees mandatory training for municipal and county boards and commissions, has approved the staff's proposed new Training Program.

New members must receive six (6) hours of Orientation Training during their first year; whereas other members must maintain three (3) hours training in subsequent years. The approved program is geared toward training that is more specific to the issues that are facing Hilton Head Island.

Ms. Foster presented a brief overview of the training topics that will be presented by staff. The first training session on the topic of Variances will be presented to the BZA on Monday, October 22, 2012 at 2:30p.m. The second training session on the topic of Design Guidelines will be presented following the DRB meeting on Tuesday, October 23, 2012. All Board members and Commissioners are invited to attend the training sessions to complete their mandated training requirements. Ms. Foster requested that the Planning Commission contact her if they have any questions on the training material. The Planning Commission thanked Ms. Foster for creating the training program.

14. Adjournment

The meeting was adjourned at 10:00a.m.

Submitted By:

Approved By:

October 17, 2012

Kathleen Carlin
Secretary

Gail Quick
Chairman